

# EXHIBIT E



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MARINE CORPS ORDER P1400.32D

From: Commandant of the Marine Corps  
To: Distribution List

Subj: MARINE CORPS PROMOTION MANUAL, VOLUME 2, ENLISTED PROMOTIONS  
(SHORT TITLE: MARCOPROMMAN, VOL 2, ENLPROM)

Ref: (a) Title 10, United States Code  
(b) Uniform Code of Military Justice (UCMJ)  
(c) Manual for Courts Martial, United States (MCM) 2005  
(d) JAGINST 5800.7D  
(e) MCO P1001R.1  
(f) MCO P1070.12  
(g) MCO P1080.40  
(h) MCO P1200.16  
(i) MCO P1610.7  
(j) MCO P1900.16  
(k) MCO P6100.12  
(l) MCO 1130.53  
(m) MCO 1130.62  
(n) MCO 1130.80  
(o) MCO 1650.39  
(p) MCO 3574.2  
(q) MARADMIN 463/01  
(r) MARADMIN 483/02  
(s) MARADMIN 066/03

Encl: (1) Locator Sheet

1. Purpose. To publish regulations and policies concerning enlisted promotions.

2. Cancellation. MCO P1400.32C.

3. Summary of Revision. This revision contains a substantial number of significant policy changes and should be reviewed in its entirety. Additionally, the Marine Corps Reserve Support Command has been renamed to the Marine Corps Mobilization Command and the appropriate change has been made throughout this Manual.

a. Paragraph 1203.17. New paragraph. Marines who change their MOS or OccFld before a board adjourns but are selected in the military occupational specialty (MOS) or occupational field (OccFld) they were in when the board convened will be considered to have been erroneously selected and will be administratively deleted from the selection list.

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b. Paragraph 1203.19. Renumbered paragraph. Addition of Combat Skills Instructor (MOS 8513) as a Special Duty Assignment. Marines with the additional MOS 8513 will be considered as "highly qualified" for promotion.

c. Paragraph 1203.20. Mobilized members of the Inactive Ready Reserve (IRR) will no longer compete for promotion with members of the Selected Marine Corps Reserve (SMCR).

d. Paragraph 1203.21.f. Reserve component Marines considered and selected by a Reserve SNCO Selection Board will not retain their selection if they transfer to the active duty component prior to being promoted.

e. Paragraph 1204.2. Clarifies policy for backdating promotions.

f. Paragraph 1204.4.hh. New promotion restriction for Marines in a probationary status as a result of a civilian conviction where any portion of the punishment is suspended.

g. Paragraph 1204.4.ii. New promotion restriction for Marines who are attending mandatory rehabilitation for any Level III, IV, or V Spouse or Child Abuse offense.

h. Paragraph 2203.2. Clarifies policy regarding quarterly composite scores for LCpls and Cpls within the IRR.

i. Paragraph 2203.5. Additional policy requiring members of the IRR to meet the SMCR cutting scores for promotion purposes.

j. Paragraph 2303. Clarifies policy regarding the Prior Service Enlistment Program (PSEP).

k. Paragraph 2305. Clarifies policy regarding promotion of Marines enrolled in the Marine Enlisted Commissioning Education Program (MECEP), Broadened Opportunity for Officer Selection Training (BOOST), and Naval Academy Preparatory School (NAPS).

l. Paragraph 2400. Publishes a new five-year promotion plan.

m. Paragraph 2500. Clarifies policy regarding computation of composite scores for LCpls and Cpls in the IRR and SMCR.

n. Paragraph 2501. Modifies self-education bonus points from 75 to 100 in computation of composite scores (Line 11) and modifies multiplier for MCI/Extension School from 1.5 to 15 and for College/CLEP/Vocational School from 1.0 to 10.

o. Paragraph 3200. Clarifies policy regarding eligibility requirements for Marines in the IRR being considered for promotion to SNCO.

p. Paragraph 3300. Updates PME requirements for Marines eligible for promotion to SNCO in accordance with changes made by the Marine Corps Institute.

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q. Paragraph 3503. Clarifies policy regarding noncompetitive selection of Marines enrolled in MECEP, BOOST, or NAPS.

r. Paragraph 3601. Clarifies procedures for conducting an Enlisted Remedial Selection Board (ERSB).

s. Paragraph 3602. Clarifies eligibility requirements for granting an ERSB and what constitutes "due diligence".

t. Paragraphs 4100 thru 4109. Rewritten to clarify policy regarding meritorious promotions. Includes addition of meritorious promotion authority granted to Marine Tiltrotor Test and Evaluation Squadron 22, Marine Corps Mountain Warfare Training Center, and Marine Aviation Weapons and Tactics Squadron One.

u. Paragraphs 4300 thru 4302. Rewritten to reflect changes to the policy regarding posthumous promotions.

v. Paragraph 4500.5. Change in policy prohibiting the frocking of Marines in a promotion restriction status.

w. Paragraph 5100. Amended to reflect that Marines' names are no longer listed on monthly SNCO promotion authority MarAdmins.

x. Paragraph 5200. Clarifies policy regarding the delay of promotion or revocation of selection by a SNCO Selection Board.

y. Paragraph 7001.1. Clarifies reporting procedures for reductions in grade.

4. Recommendation. Recommended changes to this Manual are invited and should be submitted to the Commandant of the Marine Corps (MMPR-2) via the appropriate chain of command for evaluation.

5. Reserve Applicability. This Manual is applicable to the Marine Corps Total Force.

6. Certification. Reviewed and approved this date.



H. P. OSMAN  
By direction

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LOCATOR SHEET

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(SHORT TITLE: MARCORPROMMAN, VOL 2, ENLPROM)

Location: \_\_\_\_\_  
(Indicate the location(s) of copy(ies) of this Manual.)

Enclosure (1)

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RECORD OF CHANGES

Log completed change action as indicated.

Change Number	Date of Change	Date Entered	Signature of Person Incorporated Change

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## CHAPTER 3

## STAFF NONCOMMISSIONED OFFICER PROMOTIONS

## SECTION 6: REMEDIAL CONSIDERATION FOR PROMOTION

3600. GENERAL. Marines are not penalized if not considered by a regularly convened selection board when eligible. They are remedially considered and, if recommended, assigned the DOR and effective date along with their contemporaries and, if due, receive pay and allowances from the effective date of promotion. However, the Marine Corps is not authorized to effect promotions for the purpose of increasing pay and allowances beyond 6 months. Any remedially selected Marine given a DOR older than 6 months must petition the Board for Correction of Naval Records (BCNR) for correction of the effective date and payment of back pay and allowances per the provisions of 10 U.S.C. 1552.

3601. ENLISTED REMEDIAL SELECTION BOARD

1. The Enlisted Remedial Selection Board (ERSB) is charged with the review of all Marine enlisted records referred to it for the purpose of making recommendations concerning remedial promotion to SNCO grades (USMC and USMCR).

2. The CMC stipulates that the same criteria and selection procedures that regularly scheduled selection boards are instructed to follow are followed by the ERSB in their deliberations. However, where regularly scheduled selection boards are tasked with selecting the "best and fully qualified" Marines; remedial boards are tasked with selecting "fully qualified" Marines, as allocation restrictions are not applicable. The ERSB will utilize a sampling of records of Marines in each competitive category who were recommended for promotion, and records of Marines in each competitive category who were not recommended for promotion. The sampling of records provides a relative base from which the ERSB can determine which Marines eligible for remedial consideration are fully qualified for promotion by comparing their records to both those selected by the regularly scheduled selection board and those not selected by the regularly scheduled selection board. The ERSB is guided by the ERSB precept and the precepts used during the regularly convened selection board for which remedial consideration has been granted. Additionally, the ERSB is prohibited from considering material (i.e., fitness reports, commendatory/adverse material) regarding events occurring after the regularly convened selection board for which remedial promotion consideration has been granted.

3602. ELIGIBILITY

1. Remedial consideration for promotion is granted on a case-by-case basis, with consistency and fairness in mind. The decision to forward a request for remedial consideration to the ERSB will be made based upon the merits of the individual request and the timeliness of submission. Only those cases determined to fall within the spirit and intent of the CMC's policies as outlined in this chapter will be forwarded to the ERSB for adjudication. Additionally, only cases of Marines who were, or should have been, in the above zone or the promotion zone of a regularly scheduled promotion board will be referred to an ERSB.



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2. The CMC (MMPR) will make the final determination as to which cases are referred for remedial selection consideration. Remedial consideration will not be granted to any Marine who, through the exercise of due diligence, should have been able to discover and correct the error or omission in the official record prior to the convening date of the selection board that considered, but did not select, the Marine. Furthermore, all applications for ERSBs must be received no later than three years after the date the contested board results were made public. Applications made more than three years after the date the contested board results were made public will be treated as untimely and will be denied.

3. Due diligence requires that a Marine identify errors, discrepancies, or an injustice in his or her record in a timely manner and initiate appropriate corrective action. Accordingly, a Marine's request for remedial consideration must detail the steps taken to ensure the completeness and accuracy of his or her official record prior to the convening of the selection board which considered but did not select the Marine. The exercise of due diligence by a particular Marine can be determined by the presence, or absence, of certain factors, such as:

- a. The Marine periodically reviewed his/her official record prior to a board;
- b. The Marine reviewed his/her official record with a career counselor a reasonable period of time prior to a board;
- c. The Marine took reasonable steps to correct any errors in his/her official record prior to a board;
- d. The Marine took reasonable steps to ensure that all fitness reports, commendatory material, PME completion certificates, and other documentation were timely posted to his/her official record prior to a board;
- e. The Marine took reasonable steps to communicate with the board regarding any errors discovered in his/her official record;
- f. The Marine reasonably relied on any department or section of the Marine Corps to ensure the accuracy of his/her official record;
- g. The nature of any error in a Marine's official record that went undetected was such that it would not have been detected by a reasonably prudent Marine; and
- h. Operational or training commitments prevented a Marine from detecting or correcting errors in his/her official record prior to a board.

If the error is discovered and corrected following the adjournment of the board, the Marine must address the reason(s) why the error could not reasonably have been discovered and corrected prior to the convening date of the board. The burden of proof in this regard lies solely with the Marine and is a factor in the decision process to grant or deny remedial consideration.

4. In view of the above requirements for eligible Marines to ensure the accuracy of their record, the following examples will not normally constitute a basis for granting remedial consideration for promotion:

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a. Material removed from a Marine's record that could not have been seen by a regularly scheduled selection board (i.e., a fitness report removed from the Marine's record that was submitted after the adjournment of the board).

b. A request based solely upon dissatisfaction with the results of the selection board (i.e., nonselection).

c. A request based upon material contained in a Marine's record which he or she believes is unjust and this material has not been removed by the PERB or BCNR.

d. A request based upon a desire to remove a submitted request for nonselection to the selection board.

e. A Marine's request based upon a recent lateral move, change of MOS/OccFld, or periods of time assigned to billets outside his or her MOS/OccFld, and he or she believes nonselection was based upon a lack of MOS/Occfld credibility.

f. Missing or late submission of fitness reports.

g. Date gaps on the Marine's Master Brief Sheet (MBS) due to missing fitness reports.

h. Errors on the Marine's Master Brief Sheet.

i. Missing/incorrect information in the OMPF (e.g., awards, certificates, course completions [except required PME]).

j. Inaccurate information contained in MCTFS (e.g., erroneous/incorrect PFT, rifle/pistol score).

k. Absence of personal correspondence sent to selection board (e.g., photo, letters of recommendation, fitness reports, reserve qualification summary).

l. When a Marine fails to demonstrate due diligence in correcting errors, injustices in the record, or in the submission of a request for remedial promotion consideration (paragraph 3602.2).

m. Requests for remedial consideration from the below-zone.

n. Requests for remedial consideration for promotion to a rank already held or to which already selected by a promotion selection board. Instead, a request for a backdate of the promotion must be submitted to the Board for Correction of Naval Records (BCNR) using DD Form 149.

5. The examples listed below reflect the types of cases most commonly approved by the CMC (MMPR-2) for consideration by the ERSB. They are not all-inclusive, and not all such cases will be forwarded to the ERSB.

a. The eligible Marine's record is not considered by a regularly scheduled SNCO selection board (paragraph 3104.3).

b. The Marine should have been eligible for consideration but was erroneously omitted/deleted from list of eligible Marines.

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c. The Marine is denied promotion opportunity as a result of action required by paragraph 1204 and is subsequently acquitted or absolved of all responsibility.

d. The Marine is erroneously considered in the below-zone but should have been considered with the in-zone or above-zone populations, or was erroneously considered in the wrong PMOS/OccFld.

e. The Marine is denied promotion consideration as a result of omitted or incorrect eligibility criteria (i.e., DOR, AFADBD, PEBD).

f. The Marine would have been eligible for promotion consideration but was temporarily retired (i.e., TDRL) and has since returned to active duty.

g. The Marine has a court-martial conviction, NJP, or civil conviction set aside or overturned.

h. The Marine has a fitness report removed, amended, or replaced by the Performance Evaluation Review Board (PERB) or the Board for Correction of Naval Records (BCNR) that constituted a material error in his/her official record. A material error is defined as a substantive inaccuracy or injustice that, when properly recorded in, or removed from, a Marine's record would have resulted in an inaccurate, complete, and fair portrayal of the Marine's career. Marines in this situation must ensure all actions of the PERB or BCNR are complete prior to submitting this request for remedial consideration. In this instance, remedial promotion consideration is not automatic and a separate request must be submitted to the CMC (MMPR-2) after completion of the PERB or BCNR action. The request must clearly show what actions the Marine took to correct the material error prior to the convening date of the regular selection board in order to satisfy the requirement for due diligence listed in paragraph 3602.3.

NOTE: In accordance with MCO P1610.7, paragraph 8007.1, errors that are purely administrative in nature, i.e. information in Section A or statements of fact in sections B, C, I, and K, that are devoid of opinion and interpretive comment, must be referred to the CMC (MMSB-30) for correction and will not constitute grounds for granting remedial consideration.

i. The Marine completed all appropriate PME requirements (section 3300 of this Manual) prior to the convening date of the selection board, however, the board did not find the Marine PME complete during the board proceedings. The request must clearly show what actions the Marine took to correct the material error prior to the convening date of the regular selection board in order to satisfy the requirement for due diligence listed in paragraph 3602.3.

6. Marines will normally be granted remedial consideration for all selection boards affected by the error or injustice, beginning with the first board following the error or injustice, except where the provisions of paragraph 3602.3 or other restrictions apply. If a Marine requests, and is granted, remedial consideration to Master Sergeant or First Sergeant and he/she is entitled to consideration by both boards, he/she will automatically be considered for both boards.

7. Requests for additional remedial consideration under previous versions of this Manual will not be approved unless additional corrective action has been made in a Marine's record.

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8. Marines who have been discharged, transferred to the Fleet Marine Corps Reserve, transferred to the Retired List, retired reserve Marines awaiting payment of retired pay, or any other Marine who has requested remedial consideration, been denied, and has exhausted all other administrative means, are not eligible for consideration by the ERSB, but may petition the BCNR for relief concerning their case.

### 3603. GUIDANCE

1. Marines who were considered or have been determined to be eligible for consideration by a regularly convened SNCO selection board who are granted remedial promotion consideration for that board, will be considered in the military occupational specialty, component and category, if applicable, in which they were serving on the convening date of the selection board for which remedial consideration has been granted. This criteria applies even if the Marine has executed a lateral move to another military occupational specialty or has executed a component or category change. If selected by the ERSB, the Marine's promotion will be effected in the military occupational specialty, component or category, if applicable, that he or she is serving in at the time of remedial promotion consideration. Examples below:

a. A Marine is serving in MOS 0369 on the convening date of the Gunnery Sergeant Selection Board. The Marine notes a discrepancy in the AFADBD that placed him in the wrong zone for consideration. His request for remedial selection consideration is approved. In the period between the adjournment of the selection board and approval of the request, the Marine has effected a lateral move to military occupational specialty 0231. He will still receive remedial consideration in military occupational specialty 0369, the military occupational specialty he was serving in on the convening date of the regularly scheduled SNCO selection board.

b. The Performance Evaluation Review Board (PERB) approves the removal of an unjust fitness report from an active duty Marine's OMPF just prior to the convening of a regularly scheduled SNCO selection board. However, the fitness report is not physically removed by the CMC (MMSB) until after the board is in session. The Marine is granted remedial promotion consideration. In the interim, the Marine is released from active duty and transferred to the IRR. He will receive remedial promotion consideration with his contemporaries who were on active duty at the time of the regularly scheduled SNCO selection board. If selected, the promotion will be effected in the IRR.

### 3604. REQUESTING REMEDIAL CONSIDERATION

1. Marines who believe they are eligible for remedial selection consideration under the provisions of this chapter must send a detailed request directly to the address below. Command endorsement is not required; however, the requesting Marine's package may include supporting statements from his/her chain of command.

Commandant of the Marine Corps  
Headquarters, U.S. Marine Corps (MMPR-2)  
Harry Lee Hall  
17 Lejeune Road  
Quantico, VA 22134-5104

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a. It is essential all requests include the following information:

(1) The specific board the Marine is seeking relief from, i.e. FYXX USMC Staff Sergeant Selection Board.

(2) A detailed account of the actions the Marine took to promptly identify and correct the problem prior to the convening of the selection board that failed to select the Marine. It is essential that the request explain, in detail, how the Marine demonstrated due diligence in identifying and correcting the error that he/she believes caused the failure of selection prior to the board convening. Refer to paragraph 3602.3 for examples of what constitutes "due diligence".

(3) Current promotion photo (per provisions of paragraph 3102 of this Manual).

(4) An example request format is provided in Figure 3-5.

b. Personal correspondence from other individuals that references events or actions that occurred prior to the convening date of the selection board for which the Marine is requesting remediation may also be submitted but is not required. (See provisions of paragraph 3103.).

#### 3605. PROCEDURES

1. If it is determined that the Marine's case warrants remedial selection consideration, the case will be prepared and presented to the ERSB for remedial selection consideration by the CMC (MMPR-2). Depending upon the number of requests for remedial selection consideration, adjudication may take up to 3 months. ERSB's are normally conducted monthly.

2. The Marine or the command will be notified via naval letter or message of the decision in each case.

a. If the Marine is not selected by the ERSB, a naval letter will be forwarded via the Marine's chain of command notifying the Marine of the ERSB's decision on all selection boards before which the Marine was considered. Due to the confidentiality of selection board proceedings, the notification will not state any reason for nonselection. Marines considered and not selected by the ERSB are encouraged to contact the CMC (MMEA-6) for counseling concerning their official military records. Marines will not incur a promotion pass or subsequent pass if not selected remedially for a board in which they have already incurred a pass.

b. When a Marine is selected for remedial promotion, a naval message will be forwarded to the command. The CMC (MMPR-2) will effect the promotion with a DOR and effective date of the first day of the month in which the Marine's seniority number is reached, unless the provisions of paragraph 3600 apply. In cases where the provisions of paragraph 3600 apply, the effective date will be the date the result of the ERSB is approved. In instances where the Marine's seniority number has not yet been reached, his or her name will be added to the list of those selected and he or she will be promoted based upon seniority among those selected by the regularly convened SNCO selection board. CMC (MMEA) will remove any promotion pass draw case code(s) the Marine had incurred prior to the remedial board for which considered.